

UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA AND ROY)	
EVERIDGE, REVENUE OFFICER OF THE)	
INTERNAL REVENUE SERVICE,)	
)	
Petitioners,)	
)	
v.)	Civil No. _____
)	
MILTON MARTINEZ,)	
)	
Respondent.)	

PETITION TO ENFORCE INTERNAL REVENUE SERVICE SUMMONS

The United States of America and Roy Everidge, Revenue Officer of the Internal Revenue Service, by their attorney, Jerry E. Martin, United States Attorney for the Middle District of Tennessee, show unto the Court as follows:

I

This is a proceeding brought pursuant to the provisions of I.R.C. Sections 7402(b) and 7604(a) of Title 26, United States Code, to judicially enforce an Internal Revenue Service summons.

II

Petitioner, Roy Everidge, is a Revenue Officer of the Internal Revenue Service employed in the SB/SE Division of the Internal Revenue Service at Nashville, Tennessee, and is authorized to issue an Internal Revenue Service summons pursuant to the authority contained in I.R.C. Section 7602 of Title 26, U.S.C., and Treas. Reg. Section 301.7602-1, 26 C.F.R. Section

301.7602-1, as set forth in the declaration of Revenue Officer Roy Everidge, attached hereto as Exhibit B and incorporated herein as part of this petition.

III

The respondent, Milton Martinez, (hereinafter respondent) resides or is found at 645 Rambush Dr., Murfreesboro, TN 37128 within the jurisdiction of this Court.

IV

Revenue Officer Roy Everidge is conducting an investigation into the collection of the tax liability of Milton Martinez for the tax periods ended December 31, 2005; December 31, 2006; and December 31, 2007 as set forth in the declaration of Revenue Officer Roy Everidge. (Exhibit B).

V

The respondent, Milton Martinez, is in possession and control of the testimony, books, papers, and other data which are relevant to the above-described investigation.

VI

On February 16, 2012, an Internal Revenue Service summons was issued by Revenue Officer Roy Everidge directing the respondent to appear before Revenue Officer Roy Everidge on March 5, 2012, at the Internal Revenue Service office, 801 Broadway, Room 149, Nashville, Tennessee, 37203 to testify and produce for examination, books, papers, records, and other data

described in the summons. An attested copy of the summons was served on the taxpayer by leaving it at the last and usual place of abode of the taxpayer, by Revenue Officer Roy Everidge on February 16, 2012, as set forth in the declaration of Revenue Officer Roy Everidge. The original of the summons is attached hereto as Exhibit A and incorporated herein as a part of this petition.

VII

On March 5, 2012, the respondent, Milton Martinez, did not appear for the scheduled meeting. The respondent's refusal to comply with the summons continues to date, as set forth in the declaration of Revenue Officer Roy Everidge.

VIII

The books, papers, records, and other data sought by the summons are not already in the possession of the Internal Revenue Service.

IX

All administrative actions required by the Internal Revenue Code for the issuance of a summons have been taken.

X

There is no Justice Department referral in effect within the meaning of 26 U.S.C. Section 7602(d) with respect to the respondent.

XI

It is necessary for the government to obtain the testimony and to examine the books, papers, records, and other data sought by the summons in order to properly investigate the collection of the Federal tax liability of Milton Martinez for the taxable periods ended December 31, 2005; December 31, 2006; and December 31, 2007, as evidenced by the declaration of Revenue Officer Roy Everidge, attached hereto and incorporated herein as part of this petition.

WHEREFORE, the petitioners respectfully request:

1. That this Court enter an order directing the respondent to show cause, if any, why he should not comply with and obey the summons issued to him, and each and every requirement of that summons. Because of the necessity of personal service, it is requested that the show cause hearing requested herein be scheduled no sooner than 45 days from the date of the order setting the hearing.

2. That this Court enter an order directing the respondent to obey the summons issued to him, and each and every requirement of that summons, by ordering the attendance, testimony and production of the books, papers, records and other data as is required and called for by the terms of the summons before Revenue Officer Roy Everidge or any other proper officer or employee of the Internal Revenue Service, at such time and place as may be fixed by the Revenue Officer, or any other proper officer or employee of the Internal Revenue Service.

3. That the United States recover its costs in maintaining this action.

4. That the Court grant such other and further relief as is just and proper.

Respectfully submitted,

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Middle District of Tennessee



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Dated: May 21, 2012